

August 21, 2003

Re: Medical Dispute Resolution
MDR # M2-03-1374-01
IRO# 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ____ for an independent review. ____ has performed an independent review of the medical records to determine medical necessity. In performing this review, ____ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Orthopedic Surgery.

Brief Clinical History:

This male claimant injured his back in a work-related accident on _____. He has recently been through significant conservative treatment, had a multiple-level diskogram and has been proposed for a three-level front-back AP fusion for diskogenic pain.

At this point the patient had a multi-level diskogram and did not have a control-negative level. He has multi-level degenerative disk disease, none of which seem to be non-painful on injection. Of the three levels, only the bottom level was strongly concordant.

Disputed Services:

Proposed lumbar fusion.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that the proposed lumbar fusion is not medically necessary in this case.

Rationale for Decision:

The reviewer is not aware of any literature showing that this kind of extensive fusion surgery for low back pain is going to be successful. In the reviewer's opinion of the literature regarding diskogenic and low back pain, the chance of success goes down as the amount of levels fused goes up, and as the specificity of the diskogram goes down. Both of these issues are the case with this patient. There was not adequate documentation for review to show that this is an indicated surgery.

Additional Comments:

The reviewer feels that a more reasonable approach would be to repeat the diskogram, get a negative control level, and then fuse the patient's most concordant level, with the understanding that this would not get rid of all his back pain but may improve it.

I am the Secretary and General Counsel of ____ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ____ is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 78704-0012

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on August 21, 2003.

Sincerely,